THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, the 17th day of January, 2007

W.P.No.20425 of 1994

Between:

K. Dass … Petitioner

and

The Regional Manager, APSRTC,
Warangal and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.20425 of 1994

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus to declare the Proceedings dated 18-5-1994 issued by the 2nd respondent as arbitrary and illegal and also to declare that the petitioner is entitled for appointment into the service of the respondent-Corporation on compassionate grounds.

It appears, the father of the petitioner – late K.Sanejevaiah – while working as a Cleaner in the respondent-Corporation died in harness. Therefore, the petitioner applied for consideration of his case for appointment as a Cleaner on compassionate grounds. He also appeared before the Selection Committee, which met on 18-1-1994. Subsequently, by a letter dated 18-5-1994, the petitioner was informed by the 2nd respondent that his case was not considered by the selection committee, since the date of birth of his father is 1-4-1954, whereas his date of birth is 1-6-1966 as per the Transfer Certificate submitted by him and thus the difference of age between his father and himself was only 12 years 2 months. It was also stated in the said letter that as per the declaration submitted by the petitioner's mother through affidavit, petitioner's age was 23 years, but, as per the T.C., the age was 28 years. Therefore, the case of the petitioner was rejected. According to the petitioner, his father's age was not properly assessed by the respondent-Corporation at the time of appointment. Since there is no date of birth certificate of his father, the Medical

Officer of the Corporation assessed the age of his father and the date of birth of his father was entered in the service records as 1-4-1954. The age mentioned in the service records of his father is only approximate as assessed by the Medical Officer; as such, the same cannot be taken as actual age of his father and the objection taken by the respondents is not tenable. The affidavit given by his mother has no relevance since his mother is an illiterate person. Respondents ought to have taken into consideration his age as mentioned in the Transfer Certificate and considered his case for appointment as a Cleaner.

A detailed counter affidavit has been filed reiterating the same stand as was taken in the letter dated 18-5-1994 of the 2nd respondent addressed to the petitioner and it is asserted that the petitioner is not a genuine person. Further, the petitioner's father also furnished the ages of his family members in the application for the Family Pension, wherein the petitioner's age was shown as 16 years. As per the said declaration, the petitioner's age would come to 18 years as on the date of selection i.e. 18-1-1994. Petitioner's plea that his mother is an illiterate lady and as such, the age was mentioned approximately while giving affidavit is only an after thought and cannot be accepted.

The Writ Petition was admitted on 18-11-1994. No interim order was passed by this Court during the pendency of the Writ Petition. Now, it is more than 12 years. That apart, the averments made in the writ affidavit do not inspire the confidence of the Court in view of different stands taken by the petitioner; firstly, his father's age was recorded wrongly and secondly, his mother's affidavit is wrong, since she is an illiterate. This all, in fact, shows that the petitioner seems to be not a genuine person seeking employment into the respondent-Corporation on compassionate grounds. The Writ Petition is devoid of

merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

17-1-2007

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